

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

KF TEA USA INC. and KF TEA FRANCHISING LLC,

Plaintiffs,

-against-

TEA N'BOBA ENTERPRISES LLC, TOAN VAN
NGUYEN and VY NGUYEN,

Defendants.

Civil Action No. _____

JURY TRIAL DEMANDED

[PROPOSED] TEMPORARY RESTRAINING AND SHOW CAUSE ORDER

TO: Toan Van Nguyen, Owner
Vy Nguyen, Managing Member
Tea N' Boba Enterprises LLC
8 Park Place CT
Wichita Falls, Texas
76302-1960
Toan_nguyen506@yahoo.com

United States Corporation Agents, Inc.
9900 Spectrum Drive
Austin, Texas 78717

YOU ARE HEREBY ORDERED TO SHOW CAUSE at ____m. on _____,
2023, or as soon thereafter as counsel may be heard in the courtroom of the Honorable
_____, located at _____, Texas, why Tea
N' Boba Enterprises LLC, Toan Van Nguyen and Vy Nguyen (collectively "Defendants"), their
directors, members, officers, agents, servants, employees, subsidiaries, affiliates, and all persons

in active concert or participation with Defendants, should not be restrained and enjoined from:

1. committing any acts of unfair competition and from implying a false designation of origin or a false description or representation with respect to Plaintiffs' KUNG FU TEA® Trademarks;
2. committing any acts of unfair competition by passing off or inducing or enabling others to sell or pass off goods/services that are not Plaintiffs' goods/services as those of Plaintiffs;
3. using the KUNG FU BOBA Mark in any manner in the name of their restaurant and on their website, domain name, packaging, labels, signs, posters, menus, literature, display cards, statues or other advertising, promotional or social media materials, or any other materials related to Defendants' restaurant services and tea-based flavored drinks and beverages, and any other mark, word, or name confusingly similar to Plaintiffs' KUNG FU TEA® Trademarks;
4. using any designation that is likely to disparage, tarnish, or dilute the distinctive and famous quality of Plaintiffs' KUNG FU TEA® Trademarks;
5. using images of the KUNG FU TEA® Trademarks and products, included but not limited to, on Defendants' website, <https://kungfuboba.app.infi.us/#/z>, and all other advertisements, promotions and social media;
6. committing any acts of unfair competition or deceptive or unlawful trade practices calculated to cause members of the trade or purchasing public to believe that Defendants' restaurant services and tea-based flavored drinks and beverages are the restaurant services and tea-based flavored drinks and beverages of Plaintiffs or are sponsored by or associated with, or related to, or connected with, or in some way endorsed or promoted by Plaintiffs or under the supervision or control of Plaintiffs; and

7. continuing to operate Defendants' business located at 3910 Wayne Avenue 102, Wichita Falls, Texas 76308 in the sale of oriental style teas and other drinks to consumers for consumption and such sales comprise more than five percent of such business's revenues or any such business within five miles of this address or of any KUNG FU TEA® shop anywhere in the world for a period of two years from the termination date of March 21, 2023 of the Franchise Agreement between Plaintiff KF Tea Franchising LLC and VTVC Enterprises, LLC.

This Order To Show Cause and Plaintiffs' Motion For Temporary Restraining Order And Preliminary Injunction and supporting Memorandum and Appendix, including Declarations and Exhibits, must be served on Defendants no later than ____ days before the date set for hearing. Any response or opposition to this Order To Show Cause must be filed and personally served on Plaintiffs' counsel no later than _____ Court days before the date set for hearing, and proof of service shall be filed no later than ____ Court days before the hearing.

Dated: _____

United States District Judge

Time: _____